

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA

v.

No. 2:24-CR-083-Z (01)

EDELIEL ESANULSANCHAZE RAINEY

**GOVERNMENT’S RESPONSE TO DEFENDANT’S
OBJECTIONS TO THE GOVERNMENT’S
SUPPRESSION HEARING EXHIBIT LIST**

The United States of America (the “government”) submits this response to the defendant’s objections to the government’s suppression hearing exhibit list (Dkt. 42):

The Federal Rules of Evidence do not apply at suppression hearings. See Fed. R. Evid. 1101(d)(1); *see also United States v. Morales Rittingger*, No. 2:16-CR-053-D (2), 2017 WL 367491, at *3 (N.D. Tex. Jan. 25, 2017) (Fitzwater, J.) (overruling Defendant’s objections to exhibits offered at a suppression hearing because the Federal Rules of Evidence do not apply). The rationale for this rule is readily evident: “There is, therefore, much to be said for the proposition that in proceedings where the judge himself is considering the admissibility of evidence, the exclusionary rules, aside from rules of privilege, should not be applicable; and the judge should receive the evidence and give it such weight as his judgment and experience counsel.” *United States v. de la Fuente*, 548 F.2d 528, 532 (5th Cir. 1977) (quotations omitted). Accordingly, this Court should overrule the Defendant’s objections and “receive the evidence and give it such weight as his judgment and experience counsel.” *Id.* at 533.

Respectfully submitted,

CHAD E. MEACHAM
ACTING UNITED STATES ATTORNEY

/s/ Anna Marie Bell

ANNA MARIE BELL

Assistant United States Attorney
New Mexico State Bar Number 12501
500 South Taylor Street, Suite 300
Amarillo, Texas 79101-2446
Telephone: 806-324-2356
Facsimile: 806-324-2399
E-mail: anna.bell@usdoj.gov